

REMARKS*Status of the Claims*

Claims 1-7 were in the application as filed.

Claims 1, 5, 6 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,366,661 to Devillier, *et al.* (hereinafter, *Devillier*).

Claims 2, 3 and 4 stand rejected under 35 U.S.C. § 103(a) as obvious over Devillier in view of U.S. Patent 6,498,791 to Pickett, *et al.* (hereinafter, *Pickett*).

By this response, claim2 is canceled in favor of retained (and amended) claim 1. Claim 1 now includes all of the limitations of prior (now canceled) claim 2. Claim 5 has been amended to improve readability and claims 6 and 7 have been canceled. New claims 8 and 9 have been added.

Claims 1, 3-5, 6 and 7 remain in the application. Claim 1 is the only independent claim; all other remaining claims depend from claim 1.

*Arguments in support of patentability  
of claims remaining in the application*

*Rejection of Claims 1, 5, 6 and 7  
Under 35 U.S.C. § 102(b)*

Claims 1, 5, 6 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Devillier. Examiner has stated that Devillier does not teach “wherein the network comprises one of an IP network, an Ethernet, a LAN and a WAN,” as recited in now-canceled claim 2. Language from claim 2 regarding such distinctions over Devillier has been incorporated by amendment into claim 1. Thus, claim 1, as now amended, distinguishes over Devillier in the sense of 35 U.S.C. § 102(b).

Claim 1 has also been amended to more clearly point out applicants’ invention.

Claims 6 and 7 have been canceled, and claim 5 has been amended to improve readability. New claims 8 and 9, depending from amended claim 1 have been added by present amendment to the application. Thus, all other claims now in the application depend from claim 1, and so are distinguished over Devillier for the same reasons as claim 1.

*Rejection of Claims 1, 3-5, 8,  
and 9 Under 35 U.S.C. § 103(a)*

Examiner's comments applied to claim 2 will be discussed here with respect to claim 1, which now includes the operative limitations from now-canceled claim 2.

Regarding claim 2, Examiner states that Devillier teaches all of claim 1, but does not teach "wherein the network comprises one of an IP network, an Ethernet, a LAN, and a WAN." Then, citing to Pickett, Examiner asserts that "Pickett teaches IP network (FIG. 16F illustrates window 388, which may be used to configure network (*e.g.*, IP network) settings in accordance with preferred embodiments of the present invention. Examiner also cites the description at col. 50, lines 6-9. References are also made to teachings of Pickett relating to drivers for certain LAN/NDIS/DDI functionality, to routing services for PRI and T-1, for example.

From these references to Pickett's disclosure, Examiner concludes that it would have been obvious to "combine the online call routing of Devillier to network of Pickett by using routers." It is further stated by Examiner that "Motivation being to intelligently managed and controlled for simultaneous voice, video and data traffic on a cost-effective basis."

Applicants respectfully disagree that there is any motivation for combining the teachings of Divillier and Pickett for any but their separately functioning purposes, which taken alone or together do not anticipate or suggest applicants' claimed invention. Applicants' attorney does not understand Examiner's reference to "routers." In any event, there is no motivation to use of routers to achieve applicants' claimed invention.

Initially, it is necessary to point out that Pickett's description is directed to hosting various communications protocols in "a computing system having a multi-bus structure." (Pickett, Abstract.) In his Summary, Pickett characterizes his contribution as "a platform" having certain bus structures that are bridged to accommodate corresponding signal types, and to provide PBX functions. More particularly, the Pickett system is directed to ease of configuration for desired feature combinations – all within a PBX-like

structure 50, shown, *e.g.*, in FIG. 2 of Pickett. The portions of Pickett cited to by Examiner, for example included in FIGs. 16A through 16F are related to remote configuration of the system, not online functioning of the system. See Pickett, col. 48, lines 47-50. Each of the FIGs. 16A through 16F relates to a window from a remote administration/configuration that results from employing the icon organization of FIG. 15.

None of the windows of FIGs. 16A through 16F have any operational significance in relation to the system of Devillier. None has been cited by the Examiner. This remote configuration merely enables Pickett's system 50 to be configured to host certain functions, including IP functions. Pickett's system 50 apparently functions as a node connected over trunks (*e.g.*, 54 in Pickett's FIG. 2) to unspecified Voice/Data Services 58 in Pickett's FIG. 2. There is no teaching or suggestion that use of the Pickett system would be used in any particular application in any way related to the teachings of Devaillier, or especially, to the presently claimed subject matter.

More specifically, Pickett may be interested in some vague "intelligently managed and controlled for simultaneous voice, video, and data traffic on a cost effective basis." However, Devillier is concerned with routing of an incoming telephone call, as is applicants' invention. Pickett merely provides functionality similar to other PBX implementations, but purports to permit some efficiencies regarding using various bus and bridging techniques.

Nowhere, does either Devillier or Pickett (alone or in any combination) disclose, teach or suggest the limitation in amended claim 1 of

accessing said packet network to ascertain online network status of the subscriber terminal, said accessing said packet network comprising accessing one of an IP network, an Ethernet, a LAN, and a WAN;  
as recited in applicants' amended claim 1.

Examiner's asserted "motivation" is equivalent to saying that because Pickett can in some way deal with IP networks, Ethernets, LANs or WANs he might have some useful functionality that can be adapted, with further inventive contributions, to be used in some way in a system like Devillier's. There is no suggestion in either Devillier or Pickett that such a combination would be desirable, or even useful. Examiner has

presented no basis for combining the teachings of the cited Devillier and Pickett teachings to achieve applicants' claimed result. Merely citing to Pickett's desire for efficiency identifies no basis for use with Devillier, nor does possible use by Pickett of techniques that have possible video application suggest use with Devillier. To the contrary, Devillier has no apparent application to video applications.

For the foregoing reasons, it is submitted that claim 1, as presently amended, is patentable over Devillier and Pickett, whether taken alone or in combination. There is no basis in the teachings of either of these references to suggest that they would benefit from a combination of their teachings to achieve applicants' claimed invention. Since claims 3-5, 8 and 9, all of the dependent claims now in the application depend from claim 1 and include all of the limitations of claim 1, these dependent claims are patentable for the same reasons as claim 1.

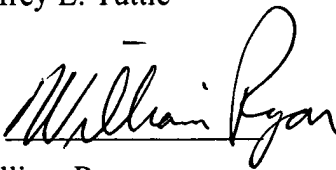
*Conclusion*

For the foregoing reasons, it is respectfully submitted that claims 1, 3-5, 8 and 9 remaining in the application, as above amended, overcome or avoid all bases for rejection and are allowable. It is requested that all claims be further examined, found allowable and passed to issue.

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